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SUBJECT: UNAMID OFFICER ARRESTED IN NYALA FOR ALLEGED SEXUAL
MISCONDUCT

¶1. (SBU) Summary: In the wake of the April 13 arrest without warrant of a UNAMID staff officer for alleged sexual misconduct, and subsequent reports that the South Darfur Wali banned UNAMID soldiers from downtown Nyala, UNAMID tempered its reaction to this apparent SOFA violation to emphasize that UNAMID tolerates no sexual misconduct. Although Khartoum media claimed that there is widespread use of alcohol and sexual harassment by UNAMID personnel, UNAMID officials say that no GOS officials in Darfur have openly made these claims. End Summary.

UNAMID COUNTERS SOUTH DARFUR GOVERNMENT DEMANDS

¶2. (SBU) In the wake of an April 13 arrest by South Darfur security authorities of a UNAMID staff officer for alleged sexual misconduct involving a locally-hired female housekeeper, UNAMID sent a delegation on April 17 to meet with South Darfur officials. Deputy Joint Special Representative (DJSR) Henry Anyidoho led the delegation to meet Deputy Wali Abdul Raheim Abul Risha and Minister of State Affairs Omar Abdul Jabbar.

¶3. (SBU) UNAMID OIC Wariara Mbugua told poloff that the Deputy Wali made several demands to UNAMID at the April 17 meeting: that UNAMID not hire local residents as housekeepers; that UNAMID not rent from local landlords; and that UNAMID soldiers not travel to downtown Nyala. According to Mbugua, DJSR Henry refuted each demand and pointed out that provisions of the Status of Forces Agreement (SOFA) between UNAMID and the GOS permits unrestricted access of UNAMID and that house rentals and hiring of domestic staff are contracts between individuals (NOTE: Paragraph 12 of the SOFA stipulates that "UNAMID. . . shall enjoy full and unrestricted freedom of movement without delay throughout Darfur and other areas of Sudan where UNAMID is operating in accordance with its mandate by the most direct route possible. . ." Paragraph 34 addresses "Entry, residence and departure" and states "The Joint Special Representative and members of UNAMID shall, whenever so required by the Joint Special Representative, have the right to enter into, reside in and depart from Sudan. END NOTE.)

TEMPERED UNAMID RESPONSE ON SOFA VIOLATION

¶4. (SBU) Asked why UNAMID appears to be acting tentatively on this alleged case of sexual misconduct, UNAMID Deputy Spokesmen Ali Hamati told poloff on April 17 that UNAMID deliberately downplayed SOFA issues in its first April 15 press statement, preferring to focus on UN policy that there is zero tolerance for sexual misconduct and that a full investigation will be conducted. He said that once UNAMID gets its point across to the public that UNAMID tolerates no act of sexual misconduct, UNAMID will more forcefully

respond to SOFA implications.

15. (SBU) Hamati said the charges appear to be fabricated, explaining that the female, who worked as a domestic, told UNAMID that Sudanese police forced her to say that they had a relationship. Hamati speculated that neighbors might have coveted the housekeeper's job and complained about the UNAMID staff officer or housekeeper which led security forces to enter the officer's home without a warrant to arrest him. Hamati said that UNAMID cooperated with a police request for medical tests which he said were negative; he did not specify the nature of the tests performed. Hamati added that the accused individual has been returned to his UNAMID unit, which Hamati emphasized is in keeping with the SOFA. Separately, UNAMID Military Legal Officer Colonel Quereshi said that in the preliminary inquest on April 17, the judge agreed that the legal process should be conducted in accordance with the SOFA.

UNAMID CAUTIOUS ON MEDIA REPORTS OF ADDITIONAL ABUSE

16. (SBU) Asked about additional media reports of alleged widespread UNAMID alcohol use and sexual harassment, Hamati speculated that public demonstrations and the government's list of demands could possibly be a ploy to pressure UNAMID to reach a monetary settlement with South Darfur government or representatives. He added that if there were additional reports of alcohol abuse or sexual harassment, the reports certainly would have surfaced by now with their meetings with government officials. Hamati noted that the State Minister of State Affairs Jabbar, an NCP member, seems to be leading the effort in this matter with the South Darfur leadership taking a backseat.

17. (SBU) A Joint Military Analysis Cell (JMAC) officer responded to the same question saying that allegations like this were not isolated incidents, but did not provide further detail (PAE told CDA Fernandez in 2007 that a leading cause of clogged toilets in AMIS camps is used condoms and rumors of - imported - prostitutes in

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Darfur surface periodically). Separately, UNAMID Senior Legal Advisor Kanda Karthigesu told poloff that the investigation into the immediate case is continuing and any speculation, including that by the media, would be counterproductive. When asked about Khartoum and international media reports of possible widespread UNAMID alcohol use and sexual harassment, OIC Mbugua expressed surprise and said that she had not heard of any reports.

18. (SBU) UNAMID military officers told poloff on April 20 that UNAMID soldiers are free to move around downtown Nyala, despite media headlines to the contrary. [NOTE: Under the administration of former South Darfur Wali and NCP hardliner Al-Haj Atta Al-Mannan, AMIS soldiers were restricted to traveling in small groups within the downtown market area. Wali Ali Mahmoud changed this practice when he became Wali in July, 7th 2007, permitting AMIS, and now UNAMID soldiers, wider access to Nyala's downtown market. END NOTE]

19. (SBU) Comment: In this case UNAMID was right to send a strong message indicating zero-tolerance of alcohol abuse and sexual misconduct. Post does not minimize the issue of the Sudanese authorities threatening to violate the SOFA (by restricting rental properties, etc). However, given the serious public relations issues involved with an allegation of sexual misconduct in a traditionally Muslim community, UNAMID's response - to work through the PR issues first and address the SOFA issues later - is the right approach. It's also too early to tell whether the GOS will follow through on the threats it has made regarding the hiring of local staff and renting of houses but it clearly is an opportunity for them to keep UNAMID off-balance while sullyng their image.

110. (U) Tripoli minimize considered.

FERNANDEZ